

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Michael C. Dillon
Jennifer Kresge

v.

Civil No. 07-cv-70-SM

Select Portfolio
Servicing, et al.

O R D E R

Defendant seeks to compel further document production and to compel answers to interrogatories (Document no. 49).

Requests to Produce

Request Nos. 23, 26, 27, 28, 69, 70, 71 and 93

All responsive documents (except IRS returns which have been ordered and X-rays which are being copied) have been produced. The motion as to these requests is denied.


Items "alluded to during the depositions"

These items for the most part are a rehash of the requests above. The "Allstate claim" spreadsheet has been supplied. Medical bills have no relevance. The \$15,000 parental loan has not been memorialized. The legal bills, redacted, are being produced. In short, defendants have the majority of the documents and are about to receive additional less significant documents. As to these items, the motion is denied.

Interrogatories

Defendants served ten sets of interrogatories on October 9, 2007 and two more sets on October 30, 2007. Plaintiffs also served discovery on the last day.¹ Defendants have refused to respond to plaintiffs' discovery as untimely while seeking to compel their own untimely discovery. The court is not going to play that unfair game and local counsel should have known enough to tell that to out-of-state counsel. The motion is denied but all parties are ordered to comply with all discovery requested on or before November 15, 2007 by January 31, 2008.

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: January 16, 2008

cc: All counsel of record

¹ The scheduling order provides that to be timely, discovery must be served 30 days before October 31st. Doc no. 12.